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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191

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Christopher W. Kennerly  
Baker Botts L.L.P.  
Suite 600  
2001 Ross Avenue  
Dallas, TX 75201

EXAMINER

CHEN, TE Y

ART UNIT PAPER NUMBER

2161

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,525	<b>Applicant(s)</b> TENORIO, MANOEL	
	<b>Examiner</b> Susan Y Chen	<b>Art Unit</b> 2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Response to Amendment***

This office action is in response to the amendment filed on 11/24/2004.

Claims 1-37 are pending for examination, claims 12 and 36 have been amended.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 12, 23 and 34-37, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 17, and 25 of U.S. co-pending application 09/895,654. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1, 12, 23 and 34-37 of the present application merely repeat the features of claims 1, 9, 17, and 25 of US co-pending application 09/895,654 with a few detail limitations. However, it would have been obvious to a person having ordinary skilled in

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the art at the time the invention was made to add a few limitations into a claim for the purpose to render a clear intended use of the claimed data association module as recited by the applicant.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 rejected under 35 U.S.C. 102(e) as being anticipated by Tenorio et al. (U.S. Patent No. 6,708,161).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1, 12, 23, and 34-37, Tenorio et al. (hereinafter referred as Tenorio) discloses a computer-implemented system with method and executable program products for associating target data with a product classification schema [e.g., Fig(s). 1-5 and associated texts] as claimed by applicant, comprising the following functions:

a) access a first product classification schema, the first schema comprising a taxonomy that comprising a hierarchy of classes into which product may be categorized, the first schema further comprising ontologies associated with one or more of the classes, each ontology comprising one or more product attributes [e.g., the GCD 42 of Fig. 2 and associated texts; col. 5, lines 6-38];

b) access target data to be associated with the first schema, the target data organized according the a second product classification schema [e.g., col. 5, lines 62 – col. 6, line 26];

c) determine one or more classes of the first schema with which at least a portion of the target data should be associated based on an automatic comparison, without translating the target data from the second schema to the first schema [e.g., the use of pointer to associate the selected classes by a buyer from a product database (32, Fig. 1); col. 6, lines 58 – col. 7, lines 3];

d) associate the at least a portion of the target data with one or more classes of the first schema in response to determine, based on the automatic comparison, the one

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or more classes of the first schema with which the at least a portion of the target data should be associated. [e.g., the GCD (42, Fig. 2) unit uses the GUID, CID, PID, RID and FID to determine the association of product classes provided by seller's schema (32, Fig. 32) via Boolean operators or any other appropriate technique (col. 11, lines 27-28) that matches the criteria specified by buyers; col. 8, lines 5 – col. 11, lines 35].

As to claims 2-6, 13-17 and 24-28, except the limitations recited in claims 1, 12, and 23, Tenorio further discloses that the determining one or more classes of the first schema with which the at least a portion of the target data should be associated comprises identifying a portion of the target data via matching the name, the value, a range of value, the symbol and formatting of a product attribute in the ontologies of these one or more classes of the first schema [e.g., the GCD (42, Fig. 2) unit will identify (e.g., via pointer, col. 6, line 15-18) and integrates the search specified by class name, value, symbol (e.g., col. 10, lines 64 – col. 11, lines 16), range of value (col. Col. 10, line 12-17) and formatting (col. 7, lines 10-30) from the first schema to target data through translation mechanisms (col. 6, line26)].

As to claims 7-8, 18-19 and 29-30, except the limitations recited in claims 1, 12, and 23, Tenorio further discloses that the systems determines the association by using vector space analysis and statistical correlation techniques [e.g., the optimization of database performance processing based on the analysis of read/write number in the

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information space (col. 15, lines 55-59); and calculating weight to indexing the read/write processing (e.g., Fig. 6 and associated texts)].

As to claims 9-11, 20-22 and 31-33, except the limitations recited in claims 1, 12, and 23, Tenorio further discloses that the systems determines the association between the system classes and it's attributes by using pointers [e.g., col. 6, lines 15-21].

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shasha (U.S. Patent No. 5,809,212) which discloses a system with computational process to represent a domain of knowledge for use over a transition networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

February 19, 2005

  
**UYEN LE**  
**PRIMARY EXAMINER**